

SELECTMEN'S MEETING MINUTES  
TOWN OFFICES COMMUNITY ROOM  
25 BRYANTS LANE  
TUESDAY, FEBRUARY 22, 2005  
6:00 P.M.

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Members present: Selectwoman Karyn Puleo, Selectman Rich Lemoine, Selectwoman Jacqueline Schnackertz, Selectman Kevin O'Connor, Selectman Peter Nicosia.

The Board and staff were introduced. The Clerk read the agenda as posted.

Motion by Selectman Lemoine to open the meeting, second by Selectwoman Puleo,  
Vote – Unanimous

I. CITIZENS' TIME

The Chairman inquired if there were any citizens in the audience this evening that were not scheduled on the agenda and wished to speak. No one came forward.

II. CORRESPONDENCE

The Clerk read the correspondence.

Motion by Selectwoman Schnackertz to accept the correspondence as read, second by Selectman O'Connor,  
Vote – Unanimous

III. APPOINTMENTS

A. 6:05 P.M. Police Department/Create Sargent Position

The Deputy Police Chief presented his proposal to create a new Sargent's position in the department. The Deputy further explained that in having a new sargent's position the department will save money on the overtime payroll because there will be an extra sergeant to cover the three shifts. The Sargent's do work the patrol cars on each shift.

The Deputy has a candidate for the new position and the patrolman's position will not be filled. The Selectmen feel that the formation of this new position is important and supports it.

Motion by Selectwoman Schnackertz to approved the new position of Sargent, Tyngsborough Police Department, second by Selectman O'Connor,  
Vote – Unanimous

Motion by Selectman O'Connor to appoint Shaun Wagner to Sargent of the Police Department, second by Selectwoman Puleo,  
Vote - Unanimous

B. 6:15 P.M. Special Permit Application/Carnival/Middlesex Rd  
Motion by Selectwoman Schnackertz to open the meeting, second by Selectwoman Puleo,  
Vote – Unanimous

The Clerk read the legal notice, the application submitted, and the correspondence submitted by various boards.

Motion by Selectman O'Connor to waive the reading of the abutters, second by Selectwoman Puleo,  
Vote – Unanimous

Mr. Flynn presented his petition for a Carnival at the Pheasant Lane Mall parking lot located in Tyngsborough. Along with the certificate of insurance, permits from the State and will have the mall associates fax over the letter authorizing the use of the parking lot. The Carnival is scheduled for April 27 though May 1 2005, the hours will be 6PM to 10:30 PM week days, 12 Noon to 10:30 PM on Saturday and 1PM to 8PM on Sunday, there will be rides, games and food. Mr. Flynn will contact the Board of Health, Fire Department and the Police Department for Food Permits and for police and fire details. Following a short discussion the Board found all is in order and the Chairman entertained a motion from the Board.

Motion by Selectman O'Connor to close the hearing, second by Selectwoman Schnackertz,  
Vote – Unanimous

Motion by Selectwoman Puleo to grant the special permit with the following conditions, 1) a signed Indemnity Form, a letter from the Simon Mall authorizing the carnival, have all permits updated, insurance certificate and to have a fire and police detail, second by Selectman Lemoine,  
Vote – Unanimous

#### C.6:30 P.M. Appointment/COA

The Council on Aging director presented the name of the new appointee Debra Malone who will be the new Program Coordinator and will be working 9 hours a week she will be responsible for the various activities and will help to physically set up and breakdown of the room in preparation of the activities. The Council members has approved of the Director's choice.

Motion by Selectman O'Connor to appoint Debra Malone as the Program Coordinator, second by Selectman Lemoine,  
Vote – Unanimous

#### D. 6:35 P.M. Town Clerk/Override Discussion

The Town Clerk presented the procedures to place an override question on the ballot, the types of questions. The dates and language are statutorily fixed. The Board opened the discussion to the audience and has a question and answer time. The Board thanked the Town Clerk for coming and asked if she would be present at the March 28 meeting. The Town Clerk will be present at the March 28 meeting to give the presentation again.

#### E. 6:40 P.M. Accept/Capital Asset Management Plan

Members of the Capital Assets Management Plan and the Selectmen discussed the Capital plan as presented. The committee has had many meetings to discuss and formulate a plan that would meet the town's needs. The committee has drafted a plan and an implementation policy and now the committee is looking to the Board of Selectmen to approve the Town's Capital Assets Management Plan. The Board reviewed the plan and thanked the committee for their hard work.

A motion by Selectman O'Connor to accept the Capital Assets 10 year Management Plan for content and substance and to create a Capital Stabilization Plan with the amount to be determined, second by Selectwoman Schnackertz,  
Vote - Unanimous

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#### IV. ACTION/DISCUSSION

##### A. One Day Special License Application/NDA/Middlesex Road

The Board received a One Day Special License Application from Notre Dame Academy to serve wine at their annual spaghetti supper. The Academy sponsors a spaghetti supper yearly as a fundraiser. The Board has no questions or comments the Chair entertained a motion from the Board.

Motion by Selectman Lemoine to approve the application as presented and to waive the fee, second by Selectman O'Connor,  
Vote – Unanimous

#### B. Warrant Article Discussion/Hwy Dept. Truck Lease

The Selectmen discussed the hwy dept truck lease. The truck is ready for pick up but there was a question of whether the specs for the truck was on the State bid list thus avoiding the extra bid process. Once the State Office returns a decision the check will be issued.

At this time the Board voted to allow the Accountant and Treasurer to pay the expenses of the Snow and Ice Account to pay the contractors who removed snow and ice during the last snow storm. The amount is not to exceed \$125,000.

Motion by Selectman O'Connor to allow monies, not to exceed \$125,000, to pay for the snow and ice removal during the last snow storm, second by Selectwoman Schnackertz,  
Vote – Unanimous

#### C. Tri-Board Presentation Preparation

The three boards, the Selectmen, Finance and School, met to discuss the presentation to be given to the citizens regarding the ballot question and if the question is approved how will the boards best present the budget to town meeting. The Town Clerk provided information on the placing of the ballot question, which format to use and the time line that follows once the decision is made to place a ballot question for an override on the annual election warrant. The Board will have the entire month of April to inform the citizens of the need for an override.

The Selectmen reviewed the request from the Highway Department for additional monies to pay the vendors hired to remove the snow and ice.

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The storms have been on the weekends necessitating the use of overtime by the Highway workers.

Motion by Selectman O'Connor to allow the Town Accountant and the Town Treasurer to expend monies not to exceed \$125,000 to defray the cost of removal snow, second by Selectwoman Schnackertz,  
Vote – Unanimous

D. Form Policy Sub-Committee

Selectman Lemoine and Selectman O'Connor will review the expenses for services and expenses of other items such as vehicles, insurances and communication. Selectwoman Schnackertz and Selectwoman Puleo will review other policies such as personnel, time sheets, etc.

V. ASSISTANT TOWN ADMINISTRATOR'S NOTES

There is no report from the Assistant at this time.

VI. SELECTMEN'S NOTES

The Selectmen spoke of the status of the ESBC on the new elementary school project. The Fire Dept. are invited to be present at the next Selectmen's meeting to discuss the Fire Dept.'s response time and volunteer vs. full time department. And of the budgets and announced the next meeting with the department heads to set the procedure for a balance budget.

At the conclusion of the open meeting the Board did vote to enter into Executive Session.

Motion by Selectman O'Connor to enter into Executive Session to discuss potential contract and benefits litigation and at the conclusion to return to open session only to adjourn, second by Selectman Lemoine,  
Roll Call Vote – Selectwoman Puleo, yes; Selectman Lemoine, yes; Selectwoman Schnackertz, yes; Selectman O'Connor, yes; and Selectman Nicosia.

The Selectmen exited open session at 7:55 P.M.

Respectfully submitted,

Therese Gay  
Admin. Assist.